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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,988	12/15/2004	Markus Maier	000340-002	3756
44012	7590	04/23/2008	EXAMINER	
WRB-IP LLP 1217 KING STREET ALEXANDRIA, VA 22314			LAUX, JESSICA L	
			ART UNIT	PAPER NUMBER
			3635	
			NOTIFICATION DATE	
			04/23/2008	DELIVERY MODE
				ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

HARRY@WRB-IP.COM  
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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/517,988	MAIER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jessica Laux	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 February 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-8 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

Acknowledgement is made of the amendment filed 02/04/2008. Accordingly the claims have been amended.

### ***Response to Arguments***

Applicant's arguments filed 02/04/2008 have been fully considered but they are not persuasive.

Applicant's argument that the element 14 of Andra does not contact the tension member 1 and therefore cannot be said to support the tension member is not persuasive because the claim limitations do not require contact to support. Further it can clearly be seen from the figures and specification of Andra (Col. 3, lines 26-39) that the element 14 in all its parts does in fact support the tension member as it is guiding/moving the tension member (and it is positioned above the tension member).

Further the argument that element 14 does not provide a slit is not persuasive as can clearly be seen from the figures that element 14 in association with its parts (15) and the base plate provide a slit for the tension member. Merely stating that it is not a slit and lacking fact and evidence to support such a contention is not a persuasive argument. Applicant has failed to clearly demonstrate how the features of Andra do not create a slit, defined on all sides by the guide body, to accommodate the tension body so that it can glide. Therefore this is not found persuasive.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Andra et al (6584738).**

The applied reference has a common inventor and assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1: Andra et al discloses a tensioning device for strip-shaped tension members (1) on supporting structures, comprising a tensioning traverse (5), which is detachably fastened to a base plate (4) that is permanently fastened to the supporting structure (3), a prestressing anchor (10), attached to the strip-shaped tension member, pressing elements (15) that are supported on the tensioning traverse and adapted to apply tension to the tension member, and a guide body (14) which supports the tension member at least from above (as seen in figure 4) so that the tension member can glide relative to the guide body, the guide body being arranged between the tensioning traverse and the prestressing anchor in a stationary manner.

Regarding claims 2, 8: A tensioning device according to claim 1, wherein the guide body comprises a guide slit, defined on all sides by the guide body (as seen in figure 1), that can accommodate the tension body so that it can glide.

Regarding claim 3: A tensioning device according to claim 1, wherein the guide body is applied to a guide support (17; Col. 3, lines 26-30) that is connected to the tensioning traverse so as to be deflection resistant.

Regarding claim 4: A tensioning device according to claim 3, wherein the guide body is arranged on the top of the tension member and comprises lateral sections (the ends of the body that clearly protrude laterally as seen in figure 1) that protrude laterally beyond the tension member, which are detachably fastened (via element 15) to a bracket (one end of base plate 4) that lies beneath the tension member.

Regarding claim 5: A tensioning device according to claim 1 wherein the pressing elements lie in the plane of the tension member (as seen in figure 4).

Regarding claim 6: A tensioning device according to claim 1 the prestressing anchor is supported by blocks in a plane of the tension member (as seen in figure 4).

Regarding claim 7: A tensioning device according to claim 1, wherein the guide body forms a reversal point for the tension member (where the guide body is involved in the guiding/moving of the tension member, it therefore forms a reversal point).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Thursday, 9:00am to 5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeanette E Chapman/  
Primary Examiner, Art Unit 3633

/J. L./  
Examiner, Art Unit 3635  
04/15/2008